

**LAKES MANAGEMENT ADVISORY COMMITTEE**  
NH Lakes Management and Protection Program



New Hampshire Department of Environmental Services  
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**MEETING MINUTES**  
**September 26, 2008**  
**DES Conference Room**  
**9:00 a.m. – 12:30 p.m.**

**Members present:**

Phil O'Brien, Ph.D., Chair  
Wendell Berry  
Shari Colby  
Jennifer Czysz  
Mark Gallagher  
Jim Haney, Ph.D.  
Diane Hanley  
Mark Hemmerlein  
Mitchell Kalter  
Larry Sunderland, Vice Chair  
Dennis Pavlicek

**Representing:**

NH Lakes Association  
NH Business and Industry Assn  
Commissioner Rep, DRED  
Director Rep, Office of Energy & Planning  
Commissioner Rep, DOS  
Scientific Community, UNH  
Conservation Commissions  
Commissioner Rep, DOT  
NH Fish & Game Commission  
Conservation Community  
Municipal Official

**Term:**

August 1, 2009  
July 8, 2010  
Indefinite  
Indefinite  
Indefinite  
August 22, 2010  
August 22, 2010  
Indefinite  
August 22, 2009  
September 19, 2010  
August 1, 2009

**Members not present:**

Fred Murphy  
Stephen Perry  
Bo Quackenbos  
Michele L. Tremblay  
Ken P. Wilson  
Vacant  
Vacant

Planning Board  
Ex. Dir. Rep, F & G  
NH Association of Realtors  
State Conservation Committee  
NH Marine Dealers Association  
Tourism Industry  
Commissioner, Dept. of Agr., Markets & Food

August 1, 2011  
Indefinite  
June 27, 2011  
August 1, 2009  
August 22, 2008  
Expired  
Indefinite

**Staff Present**

Jacquie Colburn  
Laura Weit  
Jenn Rowden  
Carolyn Guerdet

Lakes Coordinator, Watershed Management Bureau (WMB)  
Principal Planner, WMB  
P.T. Asst. Planner, WMB  
Admin. Asst., Water Division

**Guests:**

**I. Opening**

Chairman O'Brien called the meeting to order at 9:05 am. Committee members and guests introduced themselves. Chairman O'Brien introduced the new member to the LMAC, Dennis Pavlicek of Newbury. Fred Murphy has been reappointed and Ken Wilson is seeking reappointment. The appointment by Fish and Game to replace Steve Perry is pending. A new committee member list was distributed, however, further updates are needed so Jacquie offered to provide another list at the next meeting.

**Future Meeting Schedule**

Jacquie then proposed, after speaking with Chairman O'Brien and Vice Chair Sunderland, moving to an every-other-month schedule for LMAC meetings. This is with the understanding that a meeting can be called as needed. Jacquie distributed the 2009 meeting schedule. She asked for a change in the January meeting as it will be a joint meeting with the RMAC. Friday, January 9<sup>th</sup> is being proposed and the RMAC members are also being polled as to their availability. An update to the Department's Strategic Plan will be presented. The Commissioner would like to join this meeting to talk about the Plan and the Sustainability Initiative. There will also be a presentation on the work on Carrying Capacity. The LMAC and RMAC would begin by meeting separately then come together for the presentations.

**Minutes**

- ***Mitch Kalter made a motion to approve the July 25, 2008 minutes as modified, second by Diane Hanley. Motion was passed unanimously.***

**Budget**

Jacquie explained that the budget has been submitted but a request for cuts is expected. The Governor has asked for a level budget with last year and then an additional 3% cut. DOT and Marine Patrol have had a significant drop in revenues. Boat registrations have dropped from 102,000 to 98,000.

Jacquie congratulated Laura on her position upgrade from Assistant Planner to Principal Planner.

The Department has launched a new website. Jacquie encouraged the committee members to visit the new website and to let us know what you think.

**II. Updates:****1) Shoreland Protection Act** – Jacquie Colburn

Jacquie noted that recently 3 positions had been posted to handle the enforcement of the Shoreland Protection Act. The funding for these positions is possible because of the new permitting fee. The department anticipates that legislation will be proposed to amend the CSPA.

Jacquie announced that there is an upcoming workshop for the Shoreland Protection Act in Lebanon on October 8<sup>th</sup>. The focus will be primarily on river related issues. Another workshop is being scheduled for January for the Seacoast Region.

A September 23rd editorial by Tom Thompson was briefly discussed. The NH Lakes Association and NH Rivers Council are considering developing a joint response to this editorial. Diane Hanley, who was a member of the 2007 CSPA legislative commission, pointed out that the items Mr. Thompson lists as being problems are not.

**2) Ossipee Lake Natural Area (OLNA)**

Bud Berry reported that a date had not yet been set for the first meeting for the working group. The membership of the Natural Area Working Group includes Bud Berry (LMAC) with Diane Hanley as alternate, Jacquie Colburn (DES), 3 or 4 representatives from the boating community, the business community, members from the municipalities (Freedom, Ossipee, and Effingham), Marine Patrol, staff from DRED, representatives of the Long Sands Association, Green Mountain Conservation Group, the Ossipee Lake Alliance, and NH Lakes Association, for a total of 19 members. The effort to protect and manage the Natural Area will require cooperation from local groups as the state cannot provide all that is needed. This is an opportunity to bring people together in a positive way to develop a management plan.

Mark Gallagher shared that it will come down to whether the state is going to prohibit anyone from going onto the property. The concerns expressed by the scientific community and by the historical community regarding the artifacts on that property are compelling. Just going on the property is risking damage or loss of those resources. The question is to what extent is the state going to allow that property to be degraded. The original deed conveyed it to the state with recreation as part of the stipulation.

Jim Haney noted that if a section of a beach is set aside and not disturbed, you could see if it develops differently. He would like the discussions to include the mussel population and the impact the boats have on their population. Jacquie had shared with the state agency work group the concern about moving the activity from the beach to the water because of the increased potential impacts to the water. The filter feeding by the mussels is an important part of the cleansing of the lake. It was suggested that a future meeting could include a water quality presentation on the watershed and the lake.

**3) Sustainability Initiative (S.I.)** – Jenn Rowden

Jenn reported that the Carrying Capacity Subcommittee met 2 weeks ago to continue looking at how to move forward with the issue of carrying capacity. It was the consensus of the subcommittee to take a more holistic approach to define carry capacity – biological, social/economical and recreational. The committee was joined by Josh Carroll and Lori Siegel by phone. Josh is a professor at UNH and he presented to the LMAC in July. He has used the Water Resource Opportunity Spectrum (WROS) method to evaluate recreation on New Hampshire waterbodies. Lori Siegel has been using the System Dynamics Model to

evaluate loon populations in New Hampshire. They are both doing work on Squam Lake, but were not aware of each other's research. There is a possibility for them to combine their work to try to determine carrying capacity on Squam Lake. They may do a presentation at the January joint LMAC/RMAC meeting.

The next step is to develop and approve a definition of 'carrying capacity'. Then the question arises, how can any recommendations to maintain carrying capacity be enforced and implemented. Who will have the authority?

On Wednesday, September 17, LMPP and RMPP staff, and the LMAC and RMAC chairs met with the Commissioner to discuss the status of the Sustainability Initiative. At the January meeting, the Commissioner had asked that the list of recommendations be reduced to focus on just the Lakes, Rivers and Exotic Species Programs; programs that already exist and already have defined goals. He asked for further collection of data to show the need for moving forward with the recommendations. Specifically, he asked the LMAC/RMAC to monitor and document the need to support the exotic species work. There is a standing legislative committee for the exotic species group working on prevention and restoration. He also requested that they determine where leverage can be used to fix problems, do things more efficiently, possible funding sources, and possible other opportunities for collaboration. He has also requested that the LMAC and RMAC members help DES determine what really should be reported. What kinds of data, not just what has been historically collected but what would be most useful to the public and for committee members, officials and other agencies? Then, what resources (funding) are needed to accomplish this.

Jim Haney believes that DES doesn't have to do all the data collection. The lay monitoring has been well established as a valid means of collecting information, the technology has improved and with available instrumentation people could be trained to collect the information that is needed. There is also a new 'submarine', in the development stage, that is run by GPS coordinates that collects comprehensive water quality data. New ways to collect data need to be considered and not only change the parameters but also the approach.

Bud Berry said when asked to project costs of particular pieces of programs, that realistically if done right, what it would cost. Then what is reasonable to expect under the circumstances, particularly when you are directing at one source or another source of funding? The message to the general public would then be 'this is the real magnitude of what we are talking about'. We're taking a bite of the apple and that's the best we can do.

#### **4) Legislation**

The Legislative Service Requests (LSRs) are beginning to be listed on the General Court's website. They will be checked regularly. Possible legislation may include the following:

1. Extending the phosphorus ban to household dishwasher detergents.
2. State standing committee on Exotics is going to be requesting some kind of financial support for the Exotics Program.
3. There is an increasing trend of chloride levels in our water bodies and it has been found that an excessive high amount is coming from private parking lots. There may be a bill coming forward to limit the liability for commercial applicators. There may be a certification process started for winter maintenance training.

Mark Hemmerlein reported there is a consortium of 5 towns along with federal and state groups from the I-93 corridor who are currently discussing the TMDL and how to implement it. They are supporting the limited liability.

4. The HB 710 Commission may have legislation concerning leasing of state property.
5. The Flood Commission has a number of recommendations.
6. Alteration of Terrain may have some changes coming forward.

### **III. Guidelines for Coordinated Lake Management and Shoreland Protection Plans –**

Laura Weit and Jacquie Colburn

Jacquie and Laura reported on the public hearings which have been held. Of the 5 councilor districts, there have been 3 hearings in Dover, Gilford and Keene. There has not been much participation at the hearings even with the publicity. Comments have been good from those who have attended. Fred Murphy, Mitch Kalter, Bud Berry and Diane Hanley have attended some of the hearings. The next one will

be in Strafford near Bow Lake. Chairman O'Brien suggested sending a letter to the Councilors reviewing the good things that have happened at the hearings in their districts.

The 11<sup>th</sup> annual Watershed Conference will be held on November 15, 2008. Jacquie will be part of a workshop that highlights the work that Colby Sawyer College and the Lake Sunapee Protective Association have done with the Comprehensive Lake Inventory.

The following are potential meetings were the Guidelines document could be presented:

- 1) 2009 NH Lakes Congress in June at Colby Sawyer College in New London
- 2) 2009 DES Source Water Protection Workshop in May
- 3) 2009 NH Association of Conservation Commissions Conference
- 4) 2009 NH Association of Regional Planning Commissions Conference

Regarding plan implementation, Laura explained that in 2010, 604b grant money will be available to do more education and outreach. A financial incentive is very helpful to a community. A nice letter was received from the Lake Sunapee Protective Association (LSPA); they complimented the Department on the Guidelines document and they offered to meet with us to share what the LSPA experience has been with lake management. Jacquie, Laura and Phil are meeting with June Fichter of LSPA today.

#### **IV. Follow Up to Mascoma Lake Visit – Jim Haney, UNH**

Jim Haney reported that cyanobacteria had been found in the lake during the LMAC's visit; a surface bloom of microcystis was found off the public beach. Jim would like to make a presentation at the next LMAC meeting regarding the water quality monitoring that was conducted during the lake visit. Jacquie noted that statewide, 23 cyanobacteria advisories were issued this summer, more than ever in the past. This year, advisories were issued for entire waterbodies and not just particular beaches.

#### **V. HB710 Commission – Jacquie Colburn**

Jacquie reviewed the work that the 710 Commission has accomplished to date. She explained that the Commission visited a couple of lease sites in October 2007, that the Data Subcommittee comprised of the state agencies had developed and submitted a report in January 2008, and that in March of 2008 the Commission established 3 subcommittees to more effectively address the statutory tasks as well as the items that the Commission identified in its November 1, 2007 Interim Report to the Legislature. She then reviewed the proposed recommendations that the 3 subcommittees had developed and were still discussing. Chairman O'Brien mentioned that this legislation had been driven in part by the abandoned rail lines and the 18 Mile Point property. The full Commission must submit its final report to the Legislature on November 1, 2008. At the November LMAC meeting, Jacquie and Mitch will lead the LMAC in a review and discussion of the 710 Commission report.

#### **VI. Other Business:**

##### **Member Updates:**

Jacquie reminded the committee of the 11<sup>th</sup> Annual Watershed Conference will be held on November 15<sup>th</sup> sponsored by DES, NHLAKES and NH Rivers Council.

##### **Future Agenda Items for November 21:**

- 1) Summary of Sustainability Initiative
- 2) Proposed Legislation
- 3) Ossipee Natural Area Working Group
- 4) Mascoma Lake Presentation
- 5) Final 710 Commission Report

➤ ***Motion to adjourn the meeting was made by Mitch Kalter and seconded by Dennis Pavlicek. Motion passed unanimously. The meeting concluded at 12:20 PM.***